

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF

NIRAV R. SHAH, M.D., M.P.H., as Commissioner of Health of
the State of New York, to determine the action to be taken
with respect to:

Rosa Coplon Jewish Home and Infirmary, Inc.

Respondent,

as operator of

Rosa Coplon Long Term Home
Health Care Program
2700 North Forest Road
Getzville, New York 14068

STIPULATION

AND

ORDER

HHC-11-11

arising out of alleged violations of Article 36 of the Public
Health Law of the State of New York and Title 10 (Health)
of the Official Compilation of Codes, Rules and Regulations
of the State of New York

WHEREAS, the New York State Department of Health (the "Department") has
conducted surveys and inspections of Rosa Coplon Long Term Home Health Care
Program, operated by Rosa Coplon Jewish Home and Infirmary, Inc. (the "Respondent")
and has found violations of Article 36 of the Public Health Law and Title 10 (Health) of
the Official Compilation of Codes, Rules and Regulations of the State of New York (10
NYCRR); and

WHEREAS, Statements of Deficiencies resulting from the Department's surveys

on September 29, 2008 and on August 3, 2010, were issued to the Respondent; and

WHEREAS, previously, the Department and the Respondent entered into a Stipulation and Order (HHC - 08-04) to settle an enforcement action based upon findings contained in a statement of deficiencies dated August 23, 2006, wherein the Respondent agreed to a partially suspended monetary civil penalty; and

WHEREAS, by the terms of Stipulation and Order HHC - 08-04, the Respondent agreed to pay \$5,000 in the event that Respondent violated the terms of that Stipulation and Order, Public Health Law Article 36 and/or the applicable provisions of 10 NYCRR within three (3) years after the effective date of that Stipulation and Order; and

WHEREAS, prior to the service on the Respondent of a Notice of Hearing and Statement of Charges and the commencement by the Department of an administrative enforcement action based on the alleged violations, the Department and the Respondent engaged in settlement discussions; and

WHEREAS, the parties now wish to resolve this matter by means of a settlement instead of an adversarial administrative hearing.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. The matter relating to alleged violations of Article 36 of the Public Health Law and 10 NYCRR, as set forth in the Statements of Deficiencies dated September 29, 2008 and August 3, 2010, is hereby settled and discontinued with prejudice upon the terms and conditions set forth in this Stipulation and Order. Nothing in this Stipulation and Order shall be construed as an admission or concession by the Respondent with respect to any provision of law or the legality of any action taken pursuant thereto.

2. The Department shall not pursue further enforcement against the Respondent with respect to the alleged violations and statements of deficiencies described in paragraph 1 of this Stipulation and Order in any other forum, tribunal or court, including any Medicare or Medicaid enforcement proceeding and including any civil or criminal proceeding in which the issues or burden of proof may differ. This settlement is without prejudice to the Respondent's rights, defenses and claims in any other matter, proceeding, action, hearing or litigation not involving the Department.

3. Pursuant to Sections 12 and 206 of the Public Health Law, a civil penalty of \$10,000 is assessed against the Respondent. In addition, pursuant to Stipulation and Order HHC - 08-04, the Respondent agrees to pay the suspended penalty of \$5,000. The Respondent shall pay an amount of \$15,000 (the sum of \$5,000 which was the suspended penalty plus \$10,000 in accordance with this Stipulation and Order) within thirty (30) days from the effective date of this Stipulation and Order.

4. Payment shall be made to the New York State Department of Health, Bureau of Accounts Management, Corning Tower, Room 1717, Empire State Plaza, Albany, New York 12237-0016. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection and non-renewal of permits and licenses. [Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32].

5. The Respondent consents to the issuance of this Stipulation and Order,

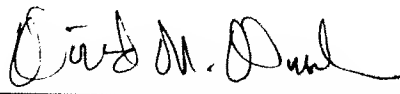
accepts its terms and conditions, and waives any right to challenge or review this Stipulation and Order through administrative or judicial proceedings, including a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

6. This Stipulation and Order shall be effective upon service on Respondent or Respondent's attorney or representative of a copy by personal service or by certified or registered mail.

DATED: Getzville, New York
October 26, 2011

Rosa Coplon Jewish Home and Infirmary, Inc.

BY:

 President & CEO

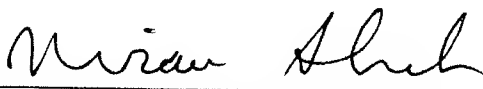
DAVID M. DUNKELMAN

AGREED AND SO ORDERED:

DATED: Albany, New York
Nov 17, 2011

NEW YORK STATE DEPARTMENT OF HEALTH

BY:

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NIRAV R. SHAH, M.D., M.P.H.,
Commissioner of Health

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